IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

CONTEMPT PETITION NO. 38 OF 2005
IN
WRIT PETITION NO. 7630 OF 2004

Safubai Abbasbhai Bandukwala
and Ors. ..Petitioners

Vs.

Beefathima and Ors. ..Respondents

...

Ms.N.A.Bandukwala for Petitioners
Mr.K.A.Shah for Respondent Nos.1(a) to 1(d)

...

CORAM : B.H.MARLAPALLE,J.

DATE : FEBRUARY 21,2005

P.C.:

1. Heard Ms.Bandukwala, the learned counsel for the petitioners. She alleges that the undertaking furnished before this Court in W.P.No. 7630 of 2004 to the effect of vacating subject premises by 31.1.2005, has been wilfully breached by the respondents and therefore, they are in contempt of this Court.

2. The respondents have filed their affidavit through Mr.Shah, the learned counsel and stated that SLP (Civil) No.1602 of 2005 was heard by the Supreme Court on 31.1.2005 and stay has been granted in their favour.

3. Under the circumstances, even on 31.1.2005 when the order passed by the Supreme Court was communicated to the petitioners, as stated in the affidavit, there was no cause of action to entertain this Contempt Petition. The same is hereby rejected.

[B.H.MARLAPALLE,J.]